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Boller et al.
Application No.: 10/668,971

REMARKS

Claim Status

After entry of this Amendment, Claims 1-17 are pending. By this Amendment, Applicants amend Claim 4.

Claim Rejections – 35 USC §112

The Examiner rejects Claims 1-17 under 35 USC §112, second paragraph, as being indefinite. As to Claims 1-3, the Examiner asserts that in Claim 1 the recited steps of withdrawing seem to be the same step which creates confusion and renders the claims indefinite.

Briefly, Claim 1 defines a method for filling, removing, and transporting a receiving container for sorted items, wherein an empty receiving container is placed on a holder, the container and holder are inserted on a guide beneath a destination point, the receiving container and holder are withdrawn at least once for filling with sorted items, the container and holder are reinserted after the filling, the container is raised from the holder in response to a control command, the holder is withdrawn in an opposite direction to an insertion direction, the receiving container is lowered via the lift onto the transport facility situated beneath the destination point, the receiving container is transported away from the destination point, and the lift is moved into an idle position. (Emphasis added.)

Applicants respectfully disagree with the Examiner's assertion that the recited steps of withdrawing create confusion. In one step, the receiving container and holder are withdrawn for filling. In another step, after the container and holder have been reinserted after filling, only the holder is withdrawn. These steps define the withdrawal of different elements, and are, as such, different steps. Applicants respectfully request the Examiner to reconsider and withdraw the rejection of Claims 1-3.

As to Claims 4-17, the Examiner asserts that Claim 4 has awkward language starting at line 11, which renders the claims indefinite. Applicants have amended Claim 4 to avoid the alleged awkward language. In view of amended Claim 4, Applicants respectfully request the Examiner to reconsider and withdraw the rejection of Claims 4-17.

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Claim Rejections – 35 USC §102(b)

The Examiner rejects Claims 1-9 and 15 under 35 USC §102(b) as being anticipated by Schuster (U.S. Patent No. 6,276,509). Hence, the Examiner asserts that Schuster discloses each and every limitation recited in Claims 1-9 and 15. Applicants respectfully traverse for the following reasons.

The present invention and Schuster are based on different concepts

Among other limitations, the method according to Claim 1 places an empty receiving container on a holder, inserts the container and holder on a guide beneath a destination point, withdraws them at least once for filling with sorted items, reinserts them after filling, raises the container from the holder, withdraws the holder, lowers the receiving container onto a transport facility, transports the receiving container away, and moves the lift into an idle position. Hence, Claim 1 defines a particular interaction of moving the container, the holder and the lift.

In contrast, Schuster does not disclose such interaction. Instead, Schuster teaches transfer means 10, 11 that place a container 7 at output stations underneath a sorting compartment 2, and move the container 7 back to a conveying path 8. (Col. 3, lines 61-63, and col. 4, lines 42-52.) The transfer means 11 are provided on the bottom of the transfer means 10 and are fashioned as a telescopic boom with grab means 12 to slightly lift the container 7. (Col. 4, lines 18-29.) Hence, Schuster teaches essentially a transfer system (boom with grab means) that moves containers back and forth.

Schuster's transfer system does not provide for the particular interaction of moving, as defined in Claim 1, because it only moves the container but not a holder upon which the container is placed. In view of these differences, Applicants submit that the present invention and Schuster are based on different concepts.

Schuster fails to disclose or suggest each and every limitation of Claim 1

In view of the different concepts, Schuster fails to disclose or suggest each and every limitation recited in Claim 1. More particularly, Schuster fails to disclose placing an empty receiving container on a holder, and inserting the container and holder on a guide beneath a destination point. As mentioned above, Schuster uses transfer means 10, 11 to move the container 7. The transfer means move the

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container to a place (not particularly identified in Schuster) underneath a sorting compartment 2. If this place is viewed to correspond to the holder of Claim 1, Applicants submit that this place does not move, and cannot be withdrawn. Even if the Examiner were to view the transfer means 10, 11 as a holder, the limitation of Claim 1, i.e., that the container is placed on the holder, would not be met.

Further, Schuster does not disclose withdrawing the receiving container and holder. Again as a consequence of the different concepts, Schuster's transfer means 10, 11 move the container 7, but the place upon which the container 7 is placed cannot be withdrawn.

Similarly, Schuster does not disclose reinserting the container and holder after the filling, and withdrawing the holder in an opposite direction to an insertion direction. These limitations involve moving the holder, which is not disclosed in Schuster, again because of the different concepts.

In view of the foregoing, Applicants respectfully submit that Schuster does not disclose or suggest a method for filling, removing, and transporting a receiving container for sorted items, as defined in Claim 1. Therefore, Schuster does not disclose or suggest each and every limitation recited in Claim 1, and, consequently, does not anticipate the subject matter of Claim 1. Applicants respectfully request the Examiner to reconsider and withdraw the rejections under 35 U.S.C. § 102(b) and to pass Claim 1 to allowance.

Claims 2 – 3 depend from Claim 1. For this reason and because of the additional features recited in the dependent claims, Applicants respectfully submit that Schuster does not anticipate Claims 2 – 3. Applicants respectfully request the Examiner to pass Claims 2 – 3 to allowance.

Schuster fails to disclose or suggest each and every limitation of Claim 4

Amended Claim 4 defines a system for filling, removing, and transporting a receiving container for sorted items. The system includes a holder for accommodating the container, and a guide facilitating lateral movement of the holder beneath the destination point and configured to position the container in and out of a filling position. Hence, similar to method of Claim 1, the system of Claim 1 involves moving of the container and the holder. The above arguments regarding Schuster are therefore repeated herein.

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Applicants respectfully submit that Schuster does not disclose or suggest each and every limitation recited in Claim 4, and, consequently, does not anticipate the subject matter of Claim 4. Applicants respectfully request the Examiner to reconsider and withdraw the rejections under 35 U.S.C. § 102(b) and to pass Claim 4 to allowance.

Claims 5 – 17 depend from Claim 4. For this reason and because of the additional features recited in the dependent claims, Applicants respectfully submit that Schuster does not anticipate Claims 5 – 17. Applicants respectfully request the Examiner to pass Claims 5 – 17 to allowance.

Claim Rejections – 35 U.S.C. §103

Under 35 U.S.C. § 103(a), the Examiner rejects dependent Claims 10 – 14, 16 and 17 as being unpatentable over Schuster in view of Olson (U.S. Patent No. 6,561,339). Applicants respectfully traverse.

Claims 10 – 14, 16 and 17 depend from independent Claim 4. The above arguments are repeated herein. Olson does not provide the missing teachings in Schuster to anticipate nor render obvious Claim 4. Accordingly, at least for the above reasons, Claims 10 – 14, 16 and 17 are also allowable and reconsideration and withdrawal of the rejections are respectfully requested.

Information Disclosure Statement

Applicants resubmit the Information Disclosure Statement filed on April 22, 2004, and request the Examiner to consider the cited documents.

CONCLUSION

The present response is intended to correspond with the Revised Amendment Format. Should any part of the present response not be in full compliance with the requirements of the Revised Amendment Format, the Examiner is asked to contact the undersigned for immediate correction.

For the above reasons, Applicants respectfully submit that the application is in condition for allowance, and such allowance is herewith respectfully requested.


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Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicants' attorney in order to resolve such issues promptly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 502464 referencing attorney docket number 2001P02943WOUS. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

Date: 5/30/06


John P. Musone
Attorney for Applicants
Registration No. 44,961
Tel: (407) 736 6449
Customer No.: 28204